

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER BRANDON DAVIS,
Plaintiff,
v.
M. PORTILLO, et al.,
Defendants.

Case No.: 1:22-cv-00457-KES-CDB (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS ACTION
WITHOUT PREJUDICE FOR PLAINTIFF'S
FAILURE TO OBEY LOCAL RULES AND
FAILURE TO PROSECUTE

Doc. 60

Plaintiff Christopher Brandon Davis is proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 10, 2025, the assigned magistrate judge issued an order granting plaintiff's request for a temporary stay of this case and staying the case for 120 days. Doc. 59. On February 21, 2025, the order was returned to the Court as "Undeliverable, Return to Sender, Refused, Unable to Forward, Paroled." *See* Docket. Plaintiff did not provide the Court with his updated address, as required by the local rules. *See* Docket.

On May 13, 2025, the assigned magistrate judge lifted the temporary stay and issued findings and recommendations recommending that this action be dismissed without prejudice for plaintiff's failure to keep the Court apprised of his current address and failure to prosecute this action. Doc. 60. The findings and recommendations were served on plaintiff and contained

1 notice that any objections were to be filed within fourteen days.¹ *Id.* at 5-6. No objections have
2 been filed, and the time to do so has passed. Nor has plaintiff updated his address or otherwise
3 communicated with the Court.²

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
5 novo review of this case. Having carefully reviewed the file, the Court finds the findings and
6 recommendations to be supported by the record and proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on May 13, 2025, Doc. 60, are adopted in
9 full;
- 10 2. This action is dismissed without prejudice for plaintiff's failure to obey the Court's
11 Local Rules and for failure to prosecute; and
- 12 3. The Clerk of the Court shall vacate any pending deadlines and close this case.

13
14 IT IS SO ORDERED.

15 Dated: June 5, 2025



UNITED STATES DISTRICT JUDGE

22 _____
23 ¹ Though the findings and recommendations were also returned to the Court as undeliverable,
24 they were properly served on plaintiff. *See* Local Rule 182(f) ("Each appearing attorney and pro
25 se party is under a continuing duty to notify the Clerk and all other parties of any change of
address or telephone number of the attorney or the pro se party. Absent such notice, service of
documents at the prior address of the attorney or pro se party shall be fully effective.").

26 ² A search of the California Department of Corrections and Rehabilitation (CDCR)'s California
27 Incarcerated Records and Information Search (CIRIS) tool, with inputs "Christopher Brandon
28 Davis" and CDCR number "AN4950," returned "No Results." *See* CDCR California Incarcerated
Records and Information Search (CIRIS), <https://ciris.mt.cdcr.ca.gov/search> (last visited June 3,
2025).